
SENATE BILL 5752

State of Washington

60th Legislature

2007 Regular Session

By Senators Stevens and Shin

Read first time 01/31/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to vocational rehabilitation services for volunteer
2 firefighters and reserve officers; amending RCW 41.24.010; adding a new
3 section to chapter 41.24 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.24.010 and 2006 c 26 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Municipal corporation" or "municipality" includes any county,
10 city, town or combination thereof, fire protection district, local law
11 enforcement agency, or any emergency medical service district or other
12 special district, authorized by law to protect life or property within
13 its boundaries through a fire department, emergency workers, or reserve
14 officers.

15 (2) "Fire department" means any regularly organized fire department
16 or emergency medical service district consisting wholly of volunteer
17 firefighters, or any part-paid and part-volunteer fire department duly
18 organized and maintained by any municipality: PROVIDED, That any such

1 municipality wherein a part-paid fire department is maintained may by
2 appropriate legislation permit the full-paid members of its department
3 to come under the provisions of chapter 41.16 RCW.

4 (3) "Firefighter" includes any firefighter or emergency worker who
5 is a member of any fire department of any municipality but shall not
6 include firefighters who are eligible for participation in the
7 Washington law enforcement officers' and firefighters' retirement
8 system or the Washington public employees' retirement system, with
9 respect to periods of service rendered in such capacity.

10 (4) "Emergency worker" means any emergency medical service
11 personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member
12 of an emergency medical service district but shall not include
13 emergency medical service personnel who are eligible for participation
14 in the Washington public employees' retirement system, with respect to
15 periods of service rendered in such capacity.

16 (5) "Performance of duty" or "performance of service" shall be
17 construed to mean and include any work in and about company quarters,
18 any fire station, any law enforcement office or precinct, or any other
19 place under the direction or general orders of the chief or other
20 officer having authority to order such member to perform such work;
21 performing other officially assigned duties that are secondary to his
22 or her duties as a firefighter, emergency worker, or reserve officer
23 such as maintenance, public education, inspections, investigations,
24 court testimony, and fund-raising for the benefit of the department;
25 being on call or on standby under the orders of the chief or designated
26 officer of the department, except at the individual's home or place of
27 business; responding to, working at, or returning from an alarm of
28 fire, emergency call, or law enforcement duties; drill or training; or
29 any work performed of an emergency nature in accordance with the rules
30 and regulations of the fire department or local law enforcement agency.

31 (6) "State board" means the state board for volunteer firefighters
32 and reserve officers.

33 (7) "Board of trustees" or "local board" means: (a) For matters
34 affecting firefighters, a firefighter board of trustees created under
35 RCW 41.24.060; (b) for matters affecting an emergency worker, an
36 emergency medical service district board of trustees created under RCW
37 41.24.330; or (c) for matters affecting reserve officers, a reserve
38 officer board of trustees created under RCW 41.24.460.

1 (8) "Appropriate legislation" means an ordinance when an ordinance
2 is the means of legislating by any municipality, and resolution in all
3 other cases.

4 (9) "Reserve officer" means the same as defined by the Washington
5 state criminal justice training commission under chapter 43.101 RCW,
6 but shall not include enforcement officers who are eligible for
7 participation in the Washington law enforcement officers' and
8 firefighters' retirement system or the Washington public employees'
9 retirement system, with respect to periods of service rendered in such
10 capacity.

11 (10) "Participant" means: (a) For purposes of relief, any reserve
12 officer who is or may become eligible for relief under this chapter or
13 any firefighter or emergency worker; and (b) for purposes of retirement
14 pension, any firefighter, emergency worker, or reserve officer who is
15 or may become eligible to receive a benefit of any type under the
16 retirement provisions of this chapter, or whose beneficiary may be
17 eligible to receive any such benefit.

18 (11) "Relief" means all medical, death, and disability benefits
19 available under this chapter that are made necessary from death,
20 sickness, injury, or disability arising in the performance of duty,
21 including benefits provided under RCW 41.24.110, 41.24.150, 41.24.160,
22 41.24.175, 41.24.220, and 41.24.230, but does not include retirement
23 pensions provided under this chapter.

24 (12) "Retirement pension" means retirement payments for the
25 performance of service, as provided under RCW 41.24.170, 41.24.172,
26 41.24.175, 41.24.180, and 41.24.185.

27 (13) "Principal fund" means the volunteer firefighters' and reserve
28 officers' relief and pension principal fund created under RCW
29 41.24.030.

30 (14) "Administrative fund" means the volunteer firefighters' and
31 reserve officers' administrative fund created under RCW 41.24.030.

32 (15) "Secretary" means the secretary appointed by the board under
33 RCW 41.24.290.

34 NEW SECTION. Sec. 2. A new section is added to chapter 41.24 RCW
35 to read as follows:

36 (1) One of the primary purposes of this section is to enable
37 injured participants to return to their regular occupation, business,

1 or profession, or to engage in any occupation or perform any work for
2 compensation or profit. To this end, the state board shall utilize the
3 services of individuals and organizations, public or private, whose
4 experience, training, and interests in vocational rehabilitation and
5 retraining qualify them to lend expert assistance to the secretary or
6 the secretary's designee in such programs of vocational rehabilitation
7 as may be reasonable to make the participant return to his or her
8 regular occupation, business, or profession, or to engage in any
9 occupation or perform any work for compensation or profit consistent
10 with his or her physical and mental status. After evaluation and
11 recommendation by such individuals or organizations and prior to final
12 evaluation of the participant's permanent disability, if in the sole
13 opinion of the secretary or the secretary's designee, whether or not
14 medical treatment has been concluded, vocational rehabilitation is both
15 necessary and likely to enable the injured participant to return to his
16 or her regular occupation, business, or profession, or to engage in any
17 occupation or perform any work for compensation or profit, the
18 secretary or the secretary's designee may, in his or her sole
19 discretion, pay the cost as provided in subsection (3) or (4) of this
20 section.

21 (2) When, in the sole discretion of the secretary or the
22 secretary's designee, vocational rehabilitation is both necessary and
23 likely to make the participant return to his or her regular occupation,
24 business, or profession, or to engage in any occupation or perform any
25 work for compensation or profit, then the following order of priorities
26 shall be used:

- 27 (a) Return to the previous job with the same employer;
28 (b) Modification of the previous job with the same employer
29 including transitional return to work;
30 (c) A new job with the same employer in keeping with any
31 limitations or restrictions;
32 (d) Modification of a new job with the same employer including
33 transitional return to work;
34 (e) Modification of the previous job with a new employer;
35 (f) A new job with a new employer or self-employment based upon
36 transferable skills;
37 (g) Modification of a new job with a new employer;

1 (h) A new job with a new employer or self-employment involving
2 on-the-job training;

3 (i) Short-term retraining and job placement.

4 (3)(a) Except as provided in (b) of this subsection, costs for
5 vocational rehabilitation benefits allowed by the secretary or
6 secretary's designee under subsection (1) of this section may include
7 the cost of books, tuition, fees, supplies, equipment, transportation,
8 child or dependent care, and other necessary expenses in an amount not
9 to exceed four thousand dollars. This amount must be used within
10 fifty-two weeks of the determination that vocational rehabilitation is
11 permitted under this section.

12 (b) The expenses allowed under (a) of this subsection may include
13 training fees for on-the-job training and the cost of furnishing tools
14 and other equipment necessary for self-employment or reemployment.
15 However, compensation or payment of retraining with job placement
16 expenses under (a) of this subsection may not be authorized for a
17 period of more than fifty-two weeks, except that such period may, in
18 the sole discretion of the secretary or the secretary's designee, after
19 his or her review, be extended for an additional fifty-two weeks or
20 portion thereof by written order of the secretary. However, under no
21 circumstances shall the total amount of benefit paid under this section
22 exceed four thousand dollars.

23 (4) In addition to the vocational rehabilitation expenditures
24 provided for under subsection (3) of this section, an additional five
25 thousand dollars may, upon authorization of the secretary or the
26 secretary's designee, be expended for: (a) Accommodations for an
27 injured participant that are medically necessary for participation in
28 an approved retraining plan; and (b) accommodations necessary to
29 perform the essential functions of an occupation in which an injured
30 participant is seeking employment, consistent with the retraining plan
31 or the recommendations of a vocational evaluation. The injured
32 participant's attending physician or licensed advanced registered nurse
33 practitioner must verify the necessity of the modifications or
34 accommodations. The total expenditures authorized in this subsection
35 shall not exceed five thousand dollars.

36 (5) The secretary or the secretary's designee shall follow the
37 established criteria set forth by the department of labor and
38 industries to monitor the quality and effectiveness of rehabilitation

1 services provided by the individuals and organizations used under
2 subsection (1) of this section. The secretary or the secretary's
3 designee shall make referrals for vocational rehabilitation services
4 based on these performance criteria.

5 (6) The state board may engage, where feasible and cost-effective,
6 in a cooperative program with the state employment security department
7 to provide job placement services under this section.

8 (7) Except as otherwise provided in this section, the vocational
9 benefits provided for in this section are available to participants who
10 have claims currently pending as of the effective date of this section
11 or whose injury occurred on or after January 1, 2006.

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

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